

Karin M. Gunter, Esquire  
PA Id No. 79852  
7323 N. 21<sup>st</sup> Street  
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(215) 548-9992

ATTORNEY FOR PLAINTIFF,  
MARTHA STEELE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA STEELE,  
Plaintiff

v.

HCI DIRECT,

Defendant.

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Civil Action No. 02-cv-4347

**PLAINTIFF'S REPLY IN OPPOSITION TO  
DEFENDANT'S MOTION FOR RECONSIDERATION**

Plaintiff, Martha Steele, by and through her undersigned counsel, Karin M. Gunter, Esquire, respectfully requests this Honorable Court DENY Defendant's Motion for Reconsideration on the following grounds:

1. Reconsideration is inappropriate relief where Defendant fails to show the newly presented evidence is actually newly discovered or not previously available.
2. Reconsideration is inappropriate relief where Defendant merely restates repetitive arguments that were examined and ruled upon by this Court in denying Defendant's underlying motion to dismiss.

3. Reconsideration is inappropriate relief where Defendant avers as a basis for its motion that witnesses are "not likely to testify voluntarily," since federal rules provides other vehicles for compelling non-party witness testimony.

4. Alternatively, the facts in this matter support the need to prevent the manifest injustice that would be suffered by Plaintiff, that is, dismissal of the entire action with prejudice, if Defendant's motion for reconsideration were granted.

**WHEREFORE**, Plaintiff respectfully moves this Honorable Court DENY Defendant's Motion for Reconsideration and direct Defendant to file and serve an Answer to Plaintiff's Amended Complaint within twenty (20) days of the entry of this Court's order.

The reasons for this Reply are set forth in the attached Memorandum of Law, which is herein incorporated.

Respectfully submitted,

**KARIN M. GUNTER ATTORNEY AT LAW**

/s/ Karin M. Gunter, Esq.  
Karin M. Gunter, Esquire  
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7323 N. 21<sup>st</sup> Street  
Philadelphia, PA 19138-2107  
(215) 548-9992

Date: August 27, 2004

**CERTIFICATION OF SERVICE**

I do hereby certify that service of a true and correct copy of the within Plaintiff's Reply in Opposition to Defendant's Motion for Reconsideration was made on the 27<sup>th</sup> day of August 2004 to the below named counsel for Defendant via first class U.S. mail, postage pre-paid:

Joseph J. Centeno, Esquire  
Obermayer Rebmann Maxwell & Hippell LLP  
1617 John F. Kennedy Boulevard  
One Penn Center, 19<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19103-1895

/s/ Karin M. Gunter, Esq.  
KARIN M. GUNTER, ESQUIRE

Date: August 27, 2004

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**ORDER**

AND NOW, this                      day of                      , 2004, upon consideration of Defendant's Motion for Reconsideration and Plaintiff's Reply in Opposition thereto, it is hereby ORDERED that Defendant's Motion is DENIED. It is furthered ORDERED AND DECREED that Defendant HCI Direct is directed to file and serve an Answer to the Amended Complaint within 20 days of entry of this Order.

BY THE COURT:

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BRUCE W. KAUFFMAN, J.

